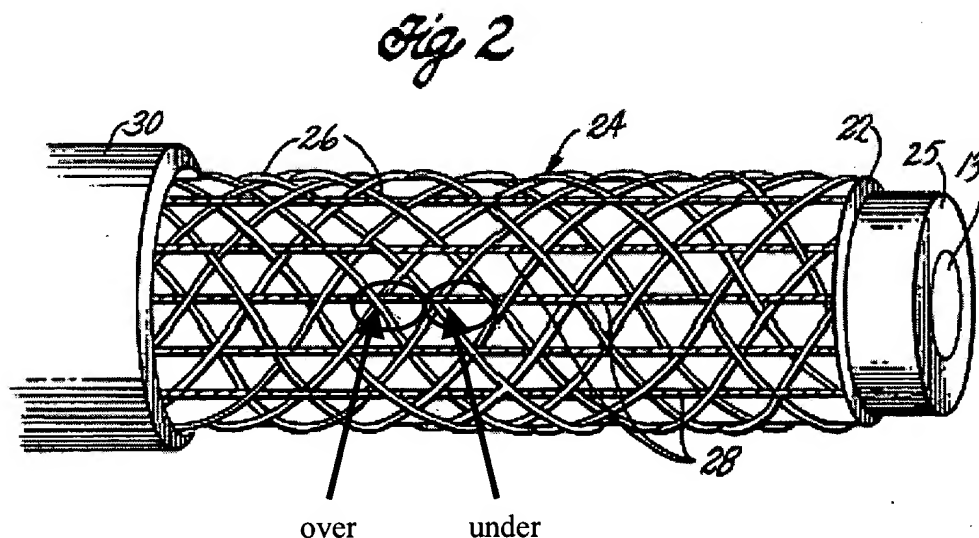


REMARKS

Applicants have carefully reviewed the Final Office Action dated July 14, 2003, regarding the above-referenced patent application. Claims 1-21 and 23-28 are pending in the application, wherein claims 1-21 and 23-28 have been rejected. The following remarks have been formulated in view of the rejections. Favorable consideration of the enclosed remarks is respectfully requested.

Claims 1-4, 6, 11, 13-15, and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Webster, Jr. (U.S. Patent No. 5,057,092). Applicants respectfully traverse this rejection. The invention as claimed recites an axial member disposed between a first helical member and a second helical member. Webster, Jr. clearly fails to teach at least this element of the current invention. As shown in Figure 2 of Webster, Jr., reproduced below for convenience, the longitudinal warp members 28 are positioned over both helical members or under both helical members at distinct areas along the length of the shaft. As stated in Webster, Jr. and shown in Figure 2, the longitudinal warp members are interwoven into the braided helical members. See column 1, lines 49-51. This is simply not what is claimed in the current invention, namely that the axial member is disposed between the helical members.



As stated in the specification, placing the axial member between the helical members results in favorable characteristics not taught by Webster, Jr. Webster, Jr. teaches longitudinal warp members for increasing the bending stiffness of the catheter body and reducing the criticality of the wall thickness. See column 3, lines 1-6. Because the longitudinal warp members of Webster, Jr. are positioned either under or over both helical members at positions along the shaft, undesirable protrusions along the inside or outside surface of the catheter may be created during the catheter forming process. See specification at page 3, lines 5-21. Additionally, placing the longitudinal warp members in contact with an adjacent polymeric tubular layer may allow for the longitudinal warp members to become affixed to the polymeric layer as it conforms thereto, therefore limiting movement and flexure of the catheter shaft. See specification at page 3, line 22 to page 4, line 5. The axial member as claimed in the current invention is not placed over or under the helical members, and therefore does not create a radial protrusion or become fixed to an adjacent polymer layer. See specification at page 11, line 19 to page 12, line 16.

Because Webster, Jr. fail to teach an axial member disposed between first and second helical members, the applicants respectfully assert Webster, Jr. does not anticipate the claims of the current invention. Therefore, claims 1 and 13 are believed patentable over Webster, Jr. and withdrawal of the rejection is requested. Claims 2-4, 6 and 11 depend from claim 1 and contain significant additional elements, and claims 14-15 and 17 depend from claim 13 and contain significant additional elements. Therefore, Applicants believe these claims are also in condition for allowance.

Claims 5, 7-8, 16 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Webster, Jr. in view of Stinson (U.S. Patent No. 5,891,191). Applicants

respectfully traverse this rejection. Stinson teaches a stent, while Webster, Jr. teaches a multi-layered catheter. Applicants maintain the assertion that one of ordinary skill in the art would not be motivated to combine the teachings of Stinson with those of Webster, Jr., and any common elements of the inventions are coincidental and not intended to be used for the same function. Notwithstanding this aspect, Applicants respectfully assert that for the reasons stated above regarding the teachings of Webster, Jr., at least one element as claimed is not taught in the prior art. Namely, Webster, Jr. fails to teach an axial member disposed between a first and second helical member, and the teachings of Stinson fail to rectify this shortcoming. For these reasons, Applicants respectfully assert that claims 5, 7-8, 16 and 18 are also in condition for allowance.

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Webster, Jr. in view of Ken et al. (U.S. Patent No. 5,749,891). Applicants respectfully traverse this rejection. Ken et al. teach a vaso-occlusive coil, while Webster, Jr. teaches a multi-layered catheter. Applicants maintain the assertion that one of ordinary skill in the art would not be motivated to combine the teachings of Ken et al. with those of Webster, Jr., and any common elements of the inventions are coincidental and not intended to be used for the same function. Notwithstanding this aspect, Applicants respectfully assert that for the reasons stated above regarding the teachings of Webster, Jr., at least one element as claimed is not taught in the prior art. Namely, Webster, Jr. fails to teach an axial member disposed between a first and second helical member, and the teachings of Ken et al. fail to rectify this shortcoming. For these reasons, Applicants respectfully assert that claim 12 is also in condition for allowance.

Claims 9-10, 19-21 and 23-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Webster, Jr. in view of Martin et al. (U.S. Patent No. 6,361,637). Applicants respectfully traverse this rejection. Martin et al. teach a stent, while Webster, Jr. teaches a multi-

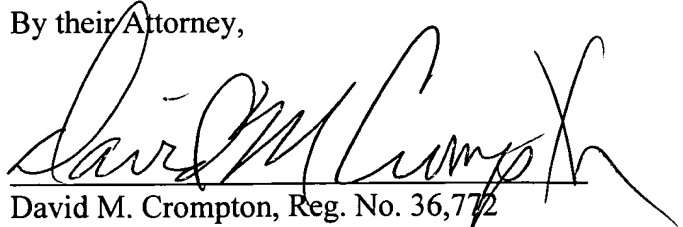
layered catheter. Applicants maintain the assertion that one of ordinary skill in the art would not be motivated to combine the teachings of Martin et al. with those of Webster, Jr., and any common elements of the inventions are coincidental and not intended to be used for the same function. Notwithstanding this aspect, Applicants respectfully assert that for the reasons stated above regarding the teachings of Webster, Jr., at least one element as claimed is not taught in the prior art. Namely, Webster, Jr. fails to teach an axial member disposed between a first and second helical member, and the teachings of Martin et al. fail to rectify this shortcoming. For these reasons, Applicants respectfully assert that claims 9-10, 19-21 and 23-28 are also in condition for allowance.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Dean A. Schaefer et al.

By their Attorney,



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